

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

MARK MCATEE,

Plaintiff,

v.

Civil Action No. 2:19-cv-00661

BETSY JIVIDEN, RALPH TERRY, CPT.
MCKINNEY, JOHNATHAN FRAME, CPT.
CLIFFORD, BRENDA WARD, CHERYL
CHANDLER, GREG RODGERS, TIM
CARPER, MAJOR WILLIAMS, SHANNA
COLEMAN, sued in their individual
and official capacities, jointly
and severally,

Defendants.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Dwane L. Tinsley, entered on January 7, 2022 (ECF No. 91); and the magistrate judge having recommended that the court grant the Motion for Summary Judgment (ECF No. 61) filed by Defendants Betsy Jividen, Ralph Terry, Major Williams, Captain McKinney, John Frame, Captain Clifford, Brenda Ward, and Cheryl Chandler; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that the findings and recommendation made in the Proposed Findings and Recommendation

of the magistrate judge (ECF No. 91) be, and they hereby are, adopted by the court and incorporated herein.

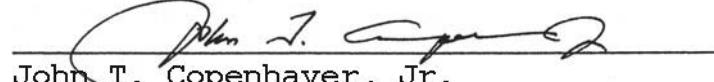
Accordingly, it is further ORDERED that:

1. The Motion for Summary Judgment (ECF No. 61) filed by Defendants Betsy Jividen, Ralph Terry, Cpt. McKinney, Jonathan Frame, Cpt. Clifford, Brenda Ward, Cheryl Chandler, and Major Williams be, and hereby is, granted.

2. Defendants Betsy Jividen, Ralph Terry, Cpt. McKinney, Jonathan Frame, Cpt. Clifford, Brenda Ward, Cheryl Chandler, and Major Williams be, and hereby are, dismissed from this civil action.

The Clerk is directed to forward copies of this memorandum opinion and order to all counsel of record, any unrepresented party, and United States Magistrate Judge Tinsley.

ENTER: January 26, 2022


John T. Copenhaver, Jr.
Senior United States District Judge